

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TAMARA PRYOR, AS ADMINISTRATOR OF
THE ESTATE OF AARON JENKINS

Plaintiff

v.

CITY OF PHILADELPHIA, PHILADELPHIA
AIRPORT, WORLDWIDE FLIGHT SERVICES,
INC., and FRONTIER AIRLINES

Defendants

CIVIL ACTION

NO. 2:20-cv-05532-CMR

**DEFENDANT WORLDWIDE FLIGHT SERVICES, INC.'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

Defendant Worldwide Flight Services, Inc. ("WFS"), by and through his attorneys, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, respectfully moves this court to dismiss Counts I, II and III and punitive damages in the Complaint by plaintiff Tamara Pryor, As the Administrator of the Estate of Aaron Jenkins ("plaintiff") for the reasons set forth in its Memorandum of Law in Support of the Motion to Dismiss, which is incorporated herein by reference as if set forth at length.

Specifically, WFS seeks dismissal of Counts I, II and III and punitive damages on the following bases: 1) plaintiff's Complaint fails to set forth a cause of action under the Fourteenth Amendment (Count I) and 42 U.S.C. § 1983 (Count II) because WFS is not a state actor; 2) plaintiff's claims are barred by the Workers' Compensation Act since WFS is plaintiff's employer and there are no facts alleged to support that the "personal animus" exception of the Act applies; and 3) plaintiff's general requests for punitive damages in her "wherefore" clauses and conclusory allegations that WFS acted "recklessly" should be dismissed as plaintiff has not pled the requisite elements for punitive damages. For these reasons, discussed in greater length

in the attached Memorandum of Law, defendant WFS respectfully requests that the Court dismiss Counts I, II and III and punitive damages in plaintiff's Complaint with prejudice.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

By: /s/Kristi A. Buchholz
William J. Taylor, Jr., Esquire
PA ID No. 34752
Kristi A. Buchholz, Esquire
PA ID No. 92468
Two Commerce Square
2001 Market Street, Suite 3100
Philadelphia, PA 19103
215-627-6900 (Phone)
215-627-2665 (Fax)
wiliam.taylorjr@wilsonelser.com
kristi.buchholz@wilsonelser.com
*Attorneys for Defendant
Worldwide Flight Services, Inc.*

Dated: November 12, 2020